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[Kang v. Dept. of Veterans Affairs Medical Center](#), 92-ERA-31 (ALJ June 7, 1993)
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U.S. Department of Labor
Office of Administrative Law Judges
800 K Street, N.W.
Washington, D.C. 20001-8002

June 7, 1993

ERRATA

To all parties of record in:

Simkeon Kang M.D. v. Department of Veterans Affairs Medical Center
Case No: 92-ERA-31

This office acknowledges the error on page 10 of the Decision and Order of March 31, 1993. Please substitute the attached corrected page 10 for the former page 10.

AARON SILVERMAN
Administrative Law Judge

AS/jm-h

[Editor's Note: This material appears at pages 9-10 of the HTML version of this document]

to your Agency at the hearing.... I am going to proceed on behalf of my client to protect his rights and to avoid his being punished for the misdeeds of the Administration of the Albany VA Hospital."

*. November 20, 1991, Mr. Malphurs responded to Mr. Proskin's letter(received November 19, 1991). (CX-X). The letter states:

It is correct that after a careful review of the needs of the Medical Center, which included budgetary constraints, Dr. Kang was notified that his services would not be needed in the future. The termination letter stated this information. Evidently, he refuses to believe this is true. The first determination by the NRC citing errors at this Medical Center, has been accepted. The more recent determination has not been accepted by this Medical Center.... Future response to the concerns of Dr. Kang should be directed to Mr. Douglas Bender, Chief of Personnel Service at this address.

*. November 21, 1991, Mr. Proskin received a letter from Ms. R. Smith of the NRC (Regional Counsel). (CX-Z). She responded to Mr. Proskin's November 13, 1991 letter, and enclosed a copy of the NRC Final Determination(November 4, 1991).

*. Tuesday, November 26, 1991, Dr. Kang testified that since he knew the "end was closing...[and] [he] was kind of desperate...[he] went down [to Mr. Malphurs office on the Friday, that was November 26, that was two days before Thanksgiving Day, to request to meet our Director, Mr. Malphurs." (T1-94). Dr. Kang continued, "I went down to see the Mr. Director, he was waiting there about 4:00 o'clock, Friday, he was about to leave... I have to ask some more extension. But how long you need? I said, I will at least I need about six months. He think, well, that may be too long, he says. Well, but still I need about six months. If you sign the paper you will resign voluntarily for end of six months, I will consider it. I'm sorry, Mr. Director, I -- I'm not gonna sign any papers, you have to just trust me. I will find a job in six months and I will resign and leave. He said, -- he was thinking for a while, a few second, he said, I'll let you know, I will -- I will consider it. That was November 26 and Friday around, maybe, close to 5:00 o'clock." (T1-94).